

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CDS BUSINESS SERVICES, INC. *dba*
NEWTEK BUSINESS CREDIT,

Plaintiff,

v.

PAUL HALEY, *et al.*,

Defendants.

Case No. 1:23-mc-00034-EPG

ORDER APPROVING PLAINTIFF'S
APPLICATION FOR NAMES TO BE ADDED
TO ABSTRACT OF JUDGMENT

(ECF No. 3)

ORDER DIRECTING CLERK OF THE
COURT TO RE-ISSUE ABSTRACT OF
JUDGMENT

(ECF No. 5)

On April 17, 2023, Plaintiff CDS Business Services, Inc. initiated the instant action to register a foreign judgment from the Eastern District of New York against Defendants (hereafter "Judgment Debtors") Paul Haley, Jill Osur, and Thomas Athersone. (ECF No. 1). On April 21, 2021, Plaintiff filed an affidavit of identity as to the additional names of Judgment Debtor Osur. (ECF No. 3). On April 25, 2023, Plaintiff filed a request for an abstract of judgment.¹ (ECF No. 4).

The Court issued an abstract of judgment on April 26, 2023. However, the Court

¹ Plaintiff initially filed a request for an abstract on April 21, 2021. (ECF No. 2). Plaintiff's April 25, 2023 request for an abstract is a revised version of the first request. (ECF No. 4).

1 inadvertently issued an abstract of judgment prior to issuing an order approving the affidavit of
2 identity filed by Plaintiff as required by California Code of Civil Procedure § 674(c)(1).
3 Accordingly, the Court will approve Plaintiff's affidavit of identity and order that the abstract of
4 judgment be re-issued.

5 Under Federal Rule of Civil Procedure 69(a), "[t]he procedure on execution—and in
6 proceedings supplementary to and in aid of judgment or execution—must accord with the
7 procedure of the state where the court is located." Fed. R. Civ. P. 69(a). Under California Code of
8 Civil Procedure Section 674(c)(1), "[p]rior to the clerk of the court certifying and abstract of
9 judgment containing any additional name or names by which the judgment debtor is known that
10 are not listed on the judgment, the court shall approve the affidavit of identity [as defined in
11 Section 680.135]." Cal. Code Civ. Proc. § 674(c)(1). An affidavit of identity "is filed with the
12 clerk of the court in which the judgment is entered at the time the judgment creditor files for a
13 writ of execution or an abstract of judgment." Cal. Code Civ. Proc. § 680.135. "The affidavit of
14 identity shall set forth the case name and number, the name of the judgment debtor stated in the
15 judgment, the additional name or names by which the judgment debtor is known, and the facts
16 upon which the judgment creditor has relied in obtaining the judgment debtor's additional name
17 or names." *See id.* "If the court determines, without a hearing or a notice, that the affidavit of
18 identity states sufficient facts upon which the judgment creditor has identified the additional
19 names of the judgment debtor, the court shall authorize the certification of the abstract of
20 judgment with the additional names or names." Cal. Code Civ. Proc. § 674(c)(1).

21 Here, Plaintiff seeks to add the following aliases of Judgment Debtor Jill Osur to the
22 abstract of judgment requested by Plaintiff: Jill Osur Myeres and Jill Frances Osur Myers. (ECF
23 No. 3, p. 3). Plaintiff's affidavit includes as exhibits a notarized deed of trust which Ms. Osur
24 signed as Jill Osur Myers, (ECF No. 3-1, p. 15), and Ms. Osur's driver's license which uses the
25 name Jill Frances Osur Myers (ECF No. 3-2, p. 2). The Court concludes that the affidavit and
26 attached exhibits state sufficient facts justifying the inclusion of the names Plaintiff requests in
27 the abstract of judgment.

28 Accordingly, IT IS HEREBY ORDERED that:

1. Pursuant to California Code of Civil Procedure Section 674(c)(1), the term

Judgment Debtor shall include the names Jill Osur Myers and Jill Frances Osur Myers, which made be added to the abstract of judgment;

2. The Clerk of Court is respectfully directed to re-issue the abstract of judgment consistent with this order.

IT IS SO ORDERED.

Dated: April 27, 2023

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE